

REMARKS

I. Summary of the Office Action and Status of the Application

This paper is responsive to the Office Action mailed on September 22, 2004. Reconsideration of this application is respectfully requested. Claims 1-75 and 79-92 are currently pending in this application. Claims 25, 39, 42, 59-62, 71-72, and 75 are currently amended. Claims 1-24, 26-38, 40-41, 43-58, 63-70, 73-74, and 79-92 are original. Claims 76-78 are canceled without prejudice or disclaimer. There are no new claims. No new matter is added.

The Office Action rejects claims 25, 39, 42, 59-62, and 75 under 35 U.S.C. §112 ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

II. Information Disclosure Statement and Claim Rejections under 35 U.S.C. §112 ¶2

The Office Action informs the Applicants that some references cited in an Information Disclosure Statement filed on December 20, 2000 were not considered because the IDS did not comply with 37 C.F.R. 1.98(a)(2). A new IDS with copies of cited references, attached hereto, is submitted for the Examiner's consideration.

Claims 25, 39, 42, 59-62, and 75 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner points out lack of antecedent basis for several claim terms. Applicants have amended claims 25, 39, 42, 59-62, and 75 in accordance with the Examiner's suggestion.

III. Conclusion

For at least the reasons stated in these Remarks, Applicants believe all pending claims to be in allowable condition. The current Amendment serves to correct typographical and indefiniteness errors. Applicants reserve the right to argue other distinctions if it ever becomes necessary. A favorable examination result is earnestly solicited. Questions or issues arising in this matter should be directed to Applicants' representatives, listed below.

Appl. No. : 09/748,621
Amendment Dated : December 21, 2004
Reply to Office Action of : September 22, 2004

Atty. Docket No. BBNT-P01-301

No other fees are believed to be due in connection with this paper. However, please charge any fees, or credit any overpayment, that may be due in connection with this paper to Deposit Account No. 18-1945, under Order No. BBNT-P01-301 from which the undersigned is authorized to draw.

Dated: December 21, 2004

Respectfully submitted,

By 

Corey Scott

Registration No.: 56,245
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant